

## **REMARKS**

This is in response to the latest Office action, dated March 8, 2004, wherein the examiner made the first restriction requirement in this application final; withdrew claims 18-20, 27-28, and 36-38; and made a second, three-tier restriction requirement among three categories of subspecies. The applicants herein make a second provisional election of species in accordance with the second restriction requirement and the first election; request the reinstatement of claims 18-20, 27-28, and 36-38 in light of a showing that the withdrawal of these claims was not required by the first restriction requirement; specifically traverse the second restriction requirement; and amend claims 1, 22, 28-32, and 36-38.

### **The applicants provisionally elect subspecies 1c/2a/3e**

The applicants hereby provisionally elect the following set of subspecies for examination from among the subspecies categories defined in the present restriction requirement: from the stimulus response subspecies category, subspecies 1c, "deposit expands linearly"; from the stimulus type subspecies category, subspecies 2a, "heat"; and from the deposit type subspecies category, subspecies 3e, "trailing bearing surface 438". The applicants collectively refer to this provisionally elected set of subspecies as subspecies 1c/2a/3e. The applicants believe claims 1-38 are readable on subspecies 1c/2a/3e, as detailed below.

### **The applicants request reinstatement of claims 18-20, 27-28, and 36-38**

The applicants hereby respectfully traverse the examiner's withdrawal of claims 18-20, 27-28, and 36-38, and request that the examiner reconsider and reinstate claims 18-20, 27-28, and 36-38. The examiner withdrew claims 18-20, 27-28, and 36-38 in the latest Office action, in response to the applicants' specific traversal of the first restriction requirement, under an assertion that these claims do not read on elected species II. However, the applicants believe that claims 18-20, 27-28, and 36-38 read on elected species II of the response to the first restriction requirement

(and with the elected subspecies 1c/2a/3e indicated above in response to the second restriction requirement), and share at least claims 1, 29 and 32 as generic claims with species II, specifically as follows.

The traversal in the response to the first Office action was “not found to be persuasive because each of the various disclosed species details a mutually exclusive characteristic of a slider as evidenced by the representation of each various species with a different figure or set of figures.” However, the subject matter of each of claims 18-20, 27-28, and 36-38 is not mutually exclusive, but could consistently read on a single embodiment of the elected species II of the response to the first restriction requirement. The restriction to species II therefore does not compel the withdrawal of claims 18-20, 27-28, and 36-38, and it would be proper to examine these claims in accordance with species II.

As specific illustrative examples, with reference to FIGS. 4 and 5 (identified with “species II”), any of e.g. “left side surface 426”, “right side surface 428”, “side leading bearing surfaces 430 and 432”, or “side trailing recessed surfaces 434 and 436” could be or comprise “a side surface” referenced by “wherein the responsive aeroelastic deposit is comprised on a side surface of the slider” as per claim 18; any of e.g. “leading surface 422” or “side leading bearing surfaces 430 and 432” could be or comprise “a leading surface” referenced by “wherein the responsive aeroelastic deposit is comprised on a leading surface of the slider” as per claim 19; and any of e.g. “trailing surface 424”, “side trailing recessed surfaces 434 and 436”, or “center trailing bearing surface 438” could be or comprise “a trailing surface” referenced by “wherein the responsive aeroelastic deposit is comprised on a trailing surface of the slider” as per claim 20; “center trailing bearing surface 438”, for example, could comprise a “responsive aeroelastic deposit” that “has a shape and position on the hydrodynamic surface such that expansion of the responsive aeroelastic deposit, responsively to the stimulus, causes a lift of the slider to increase” as per claim 27; and that “has a shape and position on the hydrodynamic surface such that expansion of the deposit toward the opposing surface, responsively to the stimulus, causes the fly height of the slider to increase” as per claim 28; and that is shaped to influence variously the hydrodynamic surface responsively to various factors of the stimulus, as defined by claims 36-38. (It is understood that all the examples cited herein are illustrative rather than exhaustive.) Similarly, while the

examiner noted certain features included in the discussion of non-elected species V and I, including responsive aeroelastic deposits on various surfaces and affecting lift as described in the specification, these features are equally applicable to elected species II, illustratively in accordance with the examples cited above, and in accordance with the teaching of the specification that, for example, "Changes may be made in detail, especially in matters of structure and arrangement of parts within the principles of the present invention, to the full extent indicated by the broad, general meaning of the terms in which the appended claims are expressed" (page 35, lines 11-14). The specific discussion of claimed features in the specification, in terms of the embodiment of a particular figure, is illustrative, and does not imply exclusion of such features from other embodiments. These examples are not only consistent with elected species II of the response to the first restriction requirement, and with the elected subspecies 1c/2a/3e of the present response to the second restriction requirement; these examples are also mutually consistent with each other, as part of embodiments comprised within the species elected for examination. The applicants believe that this single elected species having these specific, mutually consistent characteristics would not unduly burden a search, and would not exceed a reasonable number of species appropriate for examination under 37 C.F.R. 1.146. Therefore, the applicants believe that claims 18-20, 27-28, and 36-38 read on the presently elected species and subspecies, and respectfully request reconsideration and withdrawal of this restriction requirement and reinstatement of claims 18-20, 27-28, and 36-38.

### **The applicants specifically traverse the second restriction requirement**

The applicants hereby respectfully traverse the second restriction requirement and request that it be reconsidered and withdrawn, in light of the specific traversal herein. The presently elected subspecies, i.e. subspecies 1c/2a/3e, specifies a trailing bearing surface as the deposit type subspecies, heat as the stimulus type subspecies, and deposit expands linearly as the stimulus response subspecies. However, an illustrative single subspecies including these specified features may also include any or all of the other listed deposit types, stimulus types, and stimulus responses. As one illustrative example, an illustrative subspecies may include a cavity dam deposit type together with the trailing bearing surface deposit type, where both deposit types include heat as a

stimulus type and deposit expands linearly as a stimulus response. (See e.g. page 4, line 26 through page 26, line 6; e.g., “For example, in a slider that uses responsive aeroelastic bearing surfaces that increase their height responsively to the stimulus, it may be advantageous for the cavity dams also to increase in height to ‘keep pace’ with the bearing surfaces, and maintain desired hydrodynamic properties relative to the above-ambient pressurization features.”) The applicants believe that a species encompassing both this illustrative subspecies, as well as the provisionally elected subspecies 1c/2a/3e, would not pose a burden sufficient to require restriction. Similarly, the applicants believe that other permutations of options from the listed subspecies categories with the provisionally elected subspecies 1c/2a/3e could be subject to examination without restriction. The applicants therefore respectfully request that the second restriction requirement be reconsidered and withdrawn.

The applicants believe that claims 1-38 read on the provisionally elected subspecies 1c/2a/3e. Some of these claims, such as claims 1, 29 and 32, are clearly generic to all identified subspecies. Others of these claims, such as claims 2, 5, 17, 30 and 31, explicitly mention features of subspecies 1c/2a/3e. The remaining claims include features that may be combined with the explicitly mentioned features of subspecies 1c/2a/3e and the figures corresponding to species II in illustrative embodiments within the metes and bounds of the provisionally elected subspecies 1c/2a/3e. Some examples of these illustrative embodiments are described above. As another illustrative example, subspecies 1c/2a/3e may simultaneously correspond to the “deposit shears” and “deposit bends” subspecies as well as the provisionally elected “deposit expands linearly” subspecies. Subspecies 1c/2a/3e may similarly correspond simultaneously to any or all of the other subspecies identified in the other subspecies categories. As another example, as per claim 24, surfaces 434, 436 of figures 4 and 5 could serve as landing pads in accordance with claim 24 in embodiments of subspecies 1c/2a/3e and species II. As another example, as per claims 36-38, a responsive aeroelastic deposit comprised in subspecies 1c/2a/3e may simultaneously comprise the subject matter of claims 36-38 by being configured to respond variously to various factors of the stimulus, for example.

Since the previous restriction to species II was made final over the applicants’ specific traversal, the applicants herein respectfully request that the examiner withdraw the second

restriction requirement, reinstate the claims withdrawn in the latest Office action, and proceed to examine claims 1-38 on the merits, consistent with species II.

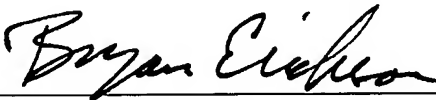
As noted in the second restriction requirement, the applicants will be entitled, upon the allowance of a generic claim, to consideration of claims to additional species/subspecies which are written in dependent form or otherwise include all the limitations of an allowed generic claim. The applicants accordingly reserve the right for unelected claims and species to be considered pending the allowance of a claim generic thereto.

The applicants filed an information disclosure statement on March 10, 2004, which has not yet been acknowledged. The applicants respectfully request that the examiner provide an indication that the statement has been considered.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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